

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JERRY SMIT, individually and on behalf of all)
others similarly situated,)

Plaintiff,)

v.)

CHARLES SCWHAB & CO., INC., SCHWAB)
INVESTMENTS and CHARLES SCHWAB)
INVESTMENT MANAGEMENT, INC.,)

Defendants.)

Case No.: 10-CV-03971-LHK

ORDER DISMISSING CASE

On March 8, 2011, the Court granted-in-part a Motion to Dismiss the claim asserted in this case, and gave Plaintiffs leave to amend their First Amended Complaint to address the issues discussed in the Court's Order. The deadline for Plaintiffs to submit a Second Amended Complaint was 21 days from the date of the March 8, 2011 Order, or March 29, 2011. As of today, April 19, 2011, Plaintiffs have not filed a Second Amended Complaint. Therefore, the case is hereby DISMISSED with prejudice.

IT IS SO ORDERED.

Dated: April 19, 2011


LUCY H. KOH
United States District Judge